

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOAN PRANSKY and JANE BECKER GELLER,
Plaintiffs,

08 CV 601 (SJ) (VVP)

-against-

BRADLEY EISNER, individually and
d/b/a RAZROR FX AND RAZOR FX, INC.,

Defendants.

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**ORDER ADOPTING
REPORT AND
RECOMMENDATION**

A P P E A R A N C E S

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JOHNSON, Senior District Judge:

Presently before the Court is a Report and Recommendation (the "R&R") prepared by Magistrate Judge Viktor V. Pohorelsky concerning the amount of damages to be awarded in this default judgment. Judge Pohorelsky issued the R&R on September 14, 2011 recommending that individual defendant Bradley Eisner pay restitution in the amount of \$177,231.24. For the reasons stated herein, this Court affirms and adopts the Report in its entirety.

A district court judge may designate a magistrate judge to hear and determine certain motions pending before the Court and to submit to the Court proposed findings of fact and a recommendation as to the disposition of the motion. See 28 U.S.C. § 636(b)(1). Within 10 days of service of the recommendation, any party may file written objections to the magistrate's report. See *Id.* Upon *de novo* review of those portions of the record to which objections were made, the district court judge may affirm or reject the recommendations. See *Id.* The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. See *Thomas v. Arn*, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections may waive the right to appeal this Court's Order. See 28 U.S.C. § 636(b)(1); Small v. Sec'y of Health and Human Servs., 892 F.2d 15, 16 (2d Cir. 1989).

In this case, no objections to the Report and Recommendation have been filed despite expiration of the deadline for filing. Upon review of the Report and Recommendation, this Court adopts and affirms Judge Pohorelsky's recommendations. Plaintiffs' default judgment motion is hereby GRANTED and plaintiff Joan Pransky is awarded damages in the sum of \$99,000, and plaintiff Jane Geller is awarded damages in the sum of \$78,231.24. The Clerk of the Court is directed to enter judgment for Plaintiffs, respectively, in this amount.

SO ORDERED.

Dated: October 7, 2011
Brooklyn, NY

/s/
Senior United States District Judge